

**COMMISSIONERS**  
KRISTIN K. MAYES - Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP



RECEIVED

Gary Pierce  
Commissioner

ARIZONA CORPORATION COMMISSION

2009 JUN -3 P 4:03  
AZ CORP COMMISSION  
DOCKET CONTROL

Direct Line (602) 542-3933  
Fax: (602) 542-0765

June 3, 2009

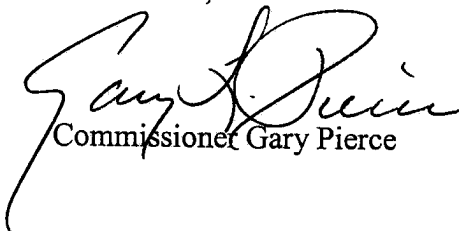
Re: Membership requirements to participate in APS's rebate program;  
Docket E-01345A-07-0712

Dear Mr. Ron Ballard and Ms. Susan Ballard:

Thank you for your May 12, 2009 letter expressing your concerns with the requirement that HVAC contractors become members of the Electric League of Arizona and the Arizona Heat Pump Council in order to participate in Arizona Public Service Company's (APS) rebate programs for the installation of energy efficient HVAC units. Due to your letter, I have asked APS to explain to me why the requirement to belong to the two associations is reasonable, necessary and narrowly tailored to the need to ensure that qualified contractors are installing these HVAC systems. If APS is unable to provide a compelling defense of the requirement, I would be willing to offer a motion to amend Decision No. 70960 pursuant to Ariz. Rev. Stat. § 40-252 to remove the requirement. I have no desire to needlessly raise the costs for HVAC contractors to do business in this state; certainly not in this economy.

Thank you again for your letter.

Best wishes,

  
Commissioner Gary Pierce

cc. Chairman Kristin Mayes  
Commissioner Sandra Kennedy  
Commissioner Bob Stump  
Commissioner Paul Newman  
Janice Alward  
Lyn Farmer  
Mike Kearns  
Rebecca Wilder